

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

FONTA WHIPPLE,	:	Case No. 1:14-cv-119
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
WARDEN, Southern Correctional Facility,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY ADOPTING THE REPORTS AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE  
(Docs. 15, 20)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on October 6, 2015, submitted a Report and Recommendations. (Doc. 15). The Petitioner filed objections. (Doc. 18). The Court recommitted the case to the Magistrate Judge (Doc. 19), who submitted a Supplemental Report and Recommendations on November 12, 2014 (Doc. 20). The Petitioner filed additional objections. (Doc. 21).<sup>1</sup>

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

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<sup>1</sup> The Petitioner essentially renews his previous objections – objections which were fully addressed in the Magistrate Judge’s Supplemental Report and Recommendations. (Doc. 20). This Court adopts the Magistrate Judge’s reasoning as explained therein.

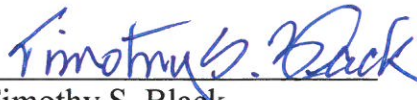
determine that such Reports and Recommendations should be and are hereby adopted in their entirety. Accordingly:

1. The Report and Recommendations (Doc. 15) is **ADOPTED**;
2. The Supplemental Report and Recommendations (Doc. 20) is **ADOPTED**;
3. This civil action is **DISMISSED** with **PREJUDICE**;
4. A certificate of appealability under 28 U.S.C. § 2253 is **DENIED**; and
5. An application to proceed on appeal *in forma pauperis* under 28 U.S.C. Section 1915(a)(3) is **DENIED**.

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

12/17/14

  
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Timothy S. Black  
United States District Judge